

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

OHIO SECURITY INSURANCE  
COMPANY, *et al.*,

Plaintiffs,

v.

HI-TECH AGGREGATE, LLC, *et al.*,

Defendants.

Case No. 2:23-cv-01094-JAD-NJK

**ORDER**

[Docket No. 42]

Pending before the Court is the parties' stipulation to extend case management deadlines by 90 days. Docket No. 42.

A request to extend unexpired deadlines in the scheduling order must be premised on a showing of good cause. Fed. R. Civ. P. 16(b)(4); Local Rule 26-3. The good cause analysis turns on whether the subject deadlines cannot reasonably be met despite the exercise of diligence. *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992). This showing of diligence is measured by the movant's conduct throughout the entire period of time already allowed. *See, e.g., Muniz v. United Parcel Serv., Inc.*, 731 F. Supp. 2d 961, 967 (N.D. Cal. 2010). If diligence is not established, the Court's inquiry should end. *Johnson*, 975 F.2d at 609 (internal citation omitted).

Here, the parties have not demonstrated diligence. The parties submit that, now that Plaintiffs' motion to stay discovery has been resolved, Plaintiffs' have agreed to supplement their written discovery responses and proceed with the needed discovery. Docket No. 42 at 4. Essentially, the parties granted themselves a stay of discovery pending resolution of Plaintiffs' motion and now request a 90-day extension. Such conduct does not establish diligence. Accordingly, the Court cannot find good cause for the extension request and the inquiry ends.

Given that this is the parties' first extension request, however, the Court will grant a 60-day extension as a one-time courtesy. During this time, the parties must diligently conduct

1 discovery. Accordingly, the stipulation to extend case management deadlines is **GRANTED** in  
2 part and **DENIED** in part. Docket No. 42. The deadlines are **RESET** as follows:

3	Rebuttal Expert:	February 15, 2024
4	Discovery Cut-Off:	May 13, 2024
5	Dispositive Motions:	June 12, 2024
6	Joint Pretrial Order:	July 12, 2024, 30 days after the
7		resolution of dispositive motions, or
8		further Court order.

9 Pursuant to Local Rule 26-3, any request for extension of any deadline must be made no  
10 later than 21 days prior to the expiration of the subject deadline and must be supported by good  
11 cause.

12 IT IS SO ORDERED.

13 Dated: February 8, 2024

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16 Nancy J. Koppe  
17 United States Magistrate Judge  
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